

CALIFORNIA STATE PERSONNEL BOARD MEETING
San Francisco Civic Center
455 Golden Gate
San Francisco, California

Public Session Location - Room B201
Closed Session Location - Room B205

FULL BOARD MEETING MINUTES

JANUARY 19, 2000

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Florence Bos, President
Ron Alvarado, Vice President
Richard Carpenter, Member
William Elkins, Member
Sean Harrigan, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn
Report presented by Linda Brooks, Assistant Executive Officer

The Board was advised of the following:

- A. State Personnel Board staff continues to provide support to the Governor's Outreach and Diversity Task Force. The group last met January 18, 2000.
- B. Staff is reviewing the facts concerning a recent news article relating to the Department of Corrections and allegations of a Nazi flag in the room where interviews were being held.
- C. Staff attended the Department of Personnel Administration's Labor Relations Conference last month. The Chief Administrative Law Judge participated in a

panel on presidential decisions and selection staff presented information on Internet testing.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on:

Legal News:

- A. Giuffre v. Sparks - 1999 D.A.R. 12655 - The Court of Appeal for the Fifth District has ruled that peace officers who suffer any loss in pay are entitled to a full evidentiary hearing to fulfill the due process requirements of the Public Safety Officers Procedural Bill of Rights, specifically Government Code §3304. The Court ruled that the MOU that provided for an appeal to the sheriff-coroner did not satisfy due process requirements

Litigation:

- A. Ming Liu v. SPB (SPB Dec. No.97-02) - Appellant has requested review by California Supreme Court.
- B. Cagle Moore v. SPB (SPB Dec. No. 96-12) - Appellate court has scheduled oral argument of February 18, 2000.
- C. ACSA v. DPA, et al. - On December 22, 1999, Judge Connelly of the Sacramento Superior Court ruled that the provisions of the Unit 8 MOU, which substitute a final and binding grievance and arbitration process for State Personnel Board review of disciplinary appeals, are unconstitutional in that they preclude "ultimate and meaningful" review of disputed civil service disciplinary actions by the State Personnel Board's constitutional. The Board appeared as amicus curiae in the case.
- D. SPB v. DPA, et al. - The State Personnel Board requested and received an extension of time in which to file its brief in the Court of Appeal in order that the Board might have an opportunity to review and discuss the impact of the ACSA v. DPA decision on the Board's appeal.
- E. Mendoza v. SPB - Judge Ford remanded this case back to SPB for reconsideration of its decision dismissing Rafael Mendoza from his position as Parole Agent II in

light of Petitioner's post termination rehabilitation record. Parties have been advised of a briefing schedule.

- F. Connerly v. SPB - Real Parties filed a motion to stay appellate proceedings pending a decision by the California Supreme Court in the case of Hi-Voltage Wireworks, Inc. v. City of San Jose.

Other

- A. Board invalidated the contract between DPA and a private arbitrator, entered into pursuant to the Unit 8 MOU, as not meeting the requirements of Government Section 19130. DPA has appealed the decision to the Board.
- B. Mediation Week is in March. One of our volunteer trainees, Linda Frick, has contacted SPB along with OAH, State Mediation and Conciliation Service, California Center for Public Dispute resolution, and Department of Consumer Affairs to discuss doing something jointly in March to promote the different types of mediation services available through the state.
- C. PERS Disability Task Force met January 12. Karen Brandt attended on behalf of the Board.
- D. A meeting regarding implementation of SB 1073 took place January 13 with Controller's, PERS and DPA, which agencies all have roles in implementing the new disability provisions.
- E. Labor Code 96 - We are investigating whether recent amendments to this statute are consistent with Board's constitutional mandate to review discipline.
4. REPORT ON LEGISLATION - Judy Balmain

The Board was advised of the following:

- A. Judy Balmain and Laura Aguilera met with Senator Escutia's staff to discuss possible amendments to the Boards bilingual service legislative proposal.

- B. Walter Vaughan, Linda Brooks and Judy Balmain met with California State Employees Association legislative staff, Sherrie Golden and Michael Varacalli to discuss ideas for possible legislation.
- C. January 21, 2000 is the last date to submit proposed legislation to the Legislative Counsel.

5. PERS UPDATE - Sean Harrigan

The Board was advised of the following:

- A. Mr. Harrigan, newly elected State Personnel Board representative on the PERS Board, has attended a number of briefings related to current PERS issues.

6. TECHNICAL TRAINING PROGRAM'S SELECTION ANALYST CERTIFICATES PRESENTATION

ACTION: Presentations made

BOARD ACTIONS

7. STATE PERSONNEL BOARD SUMMARY MINUTES OF DECEMBER 21, 1999

ACTION: Adopted on January 19, 2000

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

8. ACTION ON SUBMITTED ITEMS

ACTION: (See pages 18-19)

9. ADMINISTRATIVE LAW JUDGE CASES

On January 19, 2000, the Board adopted the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

Board Member Harrigan dissented on Petition for Rehearing #98-4798, Judy Arruda.

REJECTED AND REMANDED DECISION

PETER PERKINS, CASE NO. 98-2860
Appeal from demotion
Department of Corrections
ACTION: Proposed decision on remand adopted (demotion
modified to temporary demotion)

CHIEF COUNSEL RESOLUTIONS

RANDY HENDERSON, CASE NO. 97-1779
Appeal from dismissal
Department of the Youth Authority
ACTION: Board denied appellant's request for order to show
cause

RAPHAEL GANON, CASE NO. 98-4540
Appeal from rejection during probationary period
Water Resources Control Board
ACTION: Board rejected proposed decision stipulated
settlement and remanded to Administrative Law Judge

PROPOSED DECISIONS

JOHN P. McCREADY, CASE NO. 98-3848
Appeal from dismissal
Department of the Youth Authority
ACTION: Board Adopted Findings of Fact, but Revoked
Dismissal

MICHAEL PAYNE, CASE NO. 99-0472
Appeal from dismissal
Department of Mental Health
ACTION: Dismissal Revoked

KEITH M. SCHKODA, CASE NO. 99-0433
Appeal from dismissal
Department of Insurance
ACTION: Board Adopted Findings of Fact, but Modified
Dismissal to 60 Calendar Days Suspension

JOSE PAYANO, CASE NO. 99-1402
Appeal from 10 percent reduction in salary for 12 pay
periods
Department of Rehabilitation
ACTION: Reduction in Salary Modified to 10 Percent for 4
Pay Periods

TERRY SCOTT, CASE NO. 99-2609
Appeal from 10 percent reduction in Salary for 1 year
Department of Corrections
ACTION: Reduction in Salary Sustained

CHRISTINE L. SUMNER, CASE NO. 99-1904
Appeal from 5 percent reduction in Salary for 12 pay periods
Department of the Youth Authority
ACTION: Board Adopted Findings of Fact, but Modified
Reduction in Salary to Official Reprimand

STEPHEN J. EDEL, CASE NO. 99-2848
Appeal from rejection
Department of General Services
ACTION: Rejection Affirmed and Appeal Denied

VINCENT TELA, CASE NO. 99-1895
Appeal from dismissal
Department of Corrections
ACTION: Proposed decision rejected by Board and remanded to
Administrative Law Judge

MICHAEL SULMAN, CASE NO. 99-3717
Appeal from 30 working days suspension
Department of Corrections
ACTION: Suspension Modified to 15 Working Days Suspension

LARRY LAVELLE, CASE NO. 99-3210
Appeal from dismissal
Department of Developmental Services
ACTION: Dismissal Sustained

CLINT ABBOTT, CASE NO. 99-2713
Appeal from dismissal
Department of Corrections
ACTION: Board Adopted Findings of Fact, but Modified
Dismissal to 15 Calendar Days Suspension

ABEL M. NOLLOLA, CASE NO. 99-3943
Appeal from dismissal
Department of Corrections
ACTION: Sustaining Dismissal

LEONARD E. SOSTAND, CASE NO. 99-4214
Appeal from 1-step reduction in Salary for 12 months
Department of Corrections
ACTION: Reduction in Salary Sustained

ROBERT G. CANNON, CASE NO. 99-3956
Appeal from official reprimand
Department of Corrections
ACTION: Official Reprimand Revoked

CHERYL A. BAKER, CASE NO. 99-2615
Appeal from rejection
State Compensation Insurance Fund
ACTION: Rejection Affirmed and Appeal Denied

SYLVIA VILLANUEVA, CASE NO. 99-2211
Appeal from dismissal
Department of Motor Vehicles
ACTION: Dismissal Sustained

PHILIP HANNA, CASE NO. 99-2788
Appeal from demotion
Department of Transportation
ACTION: Demotion Sustained

JASON D. LIPSH, CASE NO. 99-1263
Appeal from dismissal
Department of Health and Human Services
ACTION: Dismissal Sustained

KERIN L. TEAS, CSE NO. 99-1094
Appeal from 20 working days suspension
Department of Corrections
ACTION: Suspension Sustained

STEPHEN B. COX, CASE NO. 99-3961
Appeal from official reprimand
Department of Corrections
ACTION: Official Reprimand Revoked

GERAND DE LOS SANTOS, CASE NO 99-3952
Appeal from official reprimand
Department of Corrections
ACTION: Official Reprimand Revoked

DWAYNE NEVIS, CASE NO. 99-3204
Appeal from 30-calendar day's suspension
Department of Corrections
ACTION: Board Adopted Findings of Fact, but Modified 30
Calendar Days Suspension to 5 Working Days Suspension

DELIP S. P. SIDHU, CASE NO. 99-2084
Appeal from 10 percent reduction in salary for 12 months
LOUIS PRIETO, CASE NO. 99-2490
Appeal from 5 percent reduction in salary for 12 months
Department of Corrections
ACTION: Board Adopted Findings of Fact, but Modified
Reductions in Salary to Official reprimands

SAMUEL B. SWEENEY, CASE NO. 99-4429
Appeal from 1-step reduction in Salary for 6 months
Department of Corrections
ACTION: Reduction in Salary Revoked

JAMES BLANCHARD, CASE NO. 99-3198
Appeal from constructive demotion
Department of Corrections
ACTION: Administrative Law Judge's Proposed Decision
Rejected by Board. Board to Decide Case Itself

RON S. COLE, CASE NO. 99-2028
Appeal from 5 percent reduction in Salary for 6 months
Department of Corrections
ACTION: Reduction in Salary Revoked

CARRIE HENRY-WILLIAMS, CASE NO. 99-2756
Appeal from 10 percent reduction in Salary for 12 months
Department of Corrections
ACTION: Reduction in Salary Sustained

CHESTER W. GRUBB, CASE NO. 99-3220
Appeal from dismissal and non-punitive termination
Correctional Officer
Department of Corrections
ACTION: Dismissal and Non-punitive Termination Revoked

EDDIE PORTER, CASE NO. 99-0361
Appeal from 45 days suspension
Department of Corrections
ACTION: 45 Days Suspension Modified to 15 Days Suspension

ROBIN PERSON, CASE NO. 99-3474
Appeal from 5 percent reduction in Salary for 3 months
Department of Motor Vehicles
ACTION: Reduction in Salary Revoked

PETITION OR REHEARING

JUDY L. ARRUDA, CASE NO. 98-4798

Appeal from rejection

State Board of Equalization

ACTION: Petition for rehearing filed by Appellant denied

SHARON HARRIS, CASE NO. 99-1638

Appeal from dismissal

ACTION: Petition for rehearing filed by Appellant granted
and remanded to Chief Administrative Law Judge for
assignment for hearing

KIMBERLY HASTIE, CASE NO. 99-1401

Appeal from dismissal

Department of Food and Agriculture

ACTION: Petition for rehearing filed by Respondent denied

SLVIA C. SOLIS, CASE NO. 99-0574

Appeal from medical termination

Department of Motor Vehicles

ACTION: Petition for rehearing filed by Appellant granted

FRANK L. GRAVES, CASE NO. 98-4720

Appeal from dismissal

Prison Industry Authority

Department of Corrections

ACTION: Petition for rehearing filed by Respondent denied

IGNACIO SALAZAR, CASE NO. 98-2560

Appeal from dismissal

Department of Corrections

ACTION: Petition for rehearing filed by Respondent denied

10. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION.

ACTION: (See pages 20-22)

11. MISCELLANEOUS APPEALS DIVISION CASES
(Discrimination Complaints, Withholds, Voided Appointments,
Rule 211 Appeals, Petitions for Rehearing)
On January 19, 2000, the Board adopted the following decisions
presented by Linda Brooks, Assistant Executive Officer,
California State Personnel Board
VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

PETITION FOR REHEARING

- A. LEONARD C. MCLEOD, Case No. 99-4498
Classification: Correctional Lieutenant
ACTION: Appellant's additional information to be reviewed and a revised board item submitted to the Five-member Board.

WITHHOLD FROM CERTIFICATION

- B. NICOLAS MARQUEZ, JR. Case No. 99-1095
Classification: Correctional Officer
ACTION: GRANTED
- C. ALLEN D. ST. LUCIA, Case No. 99-3322
Classification: Correctional Officer
ACTION: GRANTED
- D. ROBERT ZEPEDA, Case No. 99-0825
Classification: Correctional Officer
ACTION: GRANTED

WITHHOLD DENIAL CASES

- E. CARLOS A. GONZALEZ, Case No. 99-1087
Classification: Correctional Officer
ACTION: DENIED
- F. ERNIE BUELNA; Case No. 99-3824
Classification: Caltrans Landscape Maintenance Worker
ACTION: DENIED
- G. IAN M. CONNORS, Case No. 99-3758
Classification: Cadet, California Highway Patrol
ACTION: DENIED
- H. MICHELE R. S. CRISWELL, Case No. 99-3449
Classification: Motor Vehicle Field Representative
ACTION: DENIED
- I. KELLIE CURTIS, Case No. 99-3127
Classification: Medical Technician Assistant/CF
ACTION: DENIED
- J. EDWARD L. FORTUNE, Case No. 99-3311

Classification: Correctional Officer
ACTION: DENIED

- K. OTIS HARRIS, Case No. 99-2999
Classification: Youth Correctional Officer
ACTION: DENIED
- L. LOUIS R. KITAOKA, Case No. 99-3174
Classification: Youth Correctional Counselor
ACTION: DENIED
- M. DOUGLAS F. LANGE, Case No. 99-0216
Classification: Correctional Officer
ACTION: DENIED
- N. CHRISTOPHER L. SALIEM, Case No. 99-3602
Classification: Hospital Peace Officer I
ACTION: DENIED
- O. WILLIAM G. SANDER, Case No. 99-3321
Classification: Cadet, California Highway Patrol
ACTION: DENIED
- P. THOMAS J. TUCKER, Case No. 99-3369
Classification: Correctional Officer
ACTION: DENIED

RESCIND CASE

- Q. JEROME JUNIOR, Case No. 99-3573
Classification: Correctional Officer
ACTION: RESCINDED

DISMISSAL CASES

- R. DAVID C BRADLEY, Case No. 99-3040
Classification: Youth Correctional Officer
ACTION: DISMISSED
- S. DAVID HILDERBRAND, Case No. 99-4004
Classification: Correctional Officer
ACTION: DISMISSED
- T. JASON KAMINSKY, Case No. 99-2852
Classification: Correctional Officer
ACTION: DISMISSED - Department withdrew action

- U. ROSS ROBINSON WHITELEY, Case No. 99-4302
Classification: Correctional Officer
ACTION: DISMISSED - No timely response to SPB for
information

12. MEDICAL APPEALS

On January 19, 2000, the Board adopted the following decisions
presented by Linda Brooks, Assistant Executive Officer,
California State Personnel Board

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

- A. JENIFFER HUIE, Case No. 99-2689
Classification: Special Investigator I
ACTION: GRANTED
- B. ELISARDO FAVELA, Case No. 99-3300
Classification: Investigator I (ABC)
ACTION: GRANTED
- C. STEPHANIE MITCHELL, Case No. 99-4096
Classification: Correctional Officer
ACTION: GRANTED
- D. MARK BAIETTI, Case No. 99-3857
Classification: Youth Correctional Counselor
ACTION: DENIED
- E. JOHNNY DIRDEN, Case No. 99-0609
Classification: Correctional Officer
ACTION: DENIED
- F. MICHAEL HAMMER, Case No. 99-2680
Classification: Youth Correctional Officer
ACTION: DENIED
- G. MICHAEL HERNANDEZ, Case No. 99-0247
Classification: Special Agent
ACTION: DENIED
- H. JAMES KENNEDY, Case No. 99-1232
Classification: Hospital Peace Officer I
ACTION: DENIED
- I. BARBARA KYSER, Case No. 99-0486
Classification: Correctional Officer
ACTION: DENIED
- J. JOSHUA VOLLMER, Case No. 99-2265
Classification: Cadet, California Highway Patrol

ACTION: DENIED

- K. DALE WALDO, Case No. 99-3301
Classification: Correctional Officer
ACTION: DENIED

RESCIND

- L. KEVIN HOFFMAN, Case No. 99-4093
Classification: Youth Correctional Officer
ACTION: RESCINDED

13. RULE 212 OUT-OF-CLASS APPEALS

On January 19, 2000, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

- A. TONY ARCURI, Case No. 99-2499
Classification: Unknown
ACTION: DENIED

- B. JULIUS M. ENGEL, Case No. 99-0922
Classification: Deputy Attorney General
ACTION: DENIED

14. REQUEST TO FILE CHARGES CASES

On January 19, 2000, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

- A. PETITIONER: Laura Walker, Case No. 98-3397, an employee of the Department of Alcoholic Beverage Control (ABC).
ACTION: DENIED - Insufficient evidence to substantiate allegations

15. NON-HEARING CALENDAR

On January 19, 2000, the Board adopted items A-F. These items were presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

- A. WASTE MANAGEMENT ENGINEER SERIES
SENIOR WASTE MANAGEMENT ENGINEER
ASSOCIATE WASTE MANAGEMENT ENGINEER

The California Integrated Waste Management Board proposes revisions to the series specification for Waste Management Engineer; revise the alternate range criteria; extend the probationary period for the Senior Waste Management Engineer from 6 months to 12 months; and abolish the Associate Waste Management Engineer.

- B. SAFETY AND SECURITY MANAGER, CALIFORNIA EXPOSITION AND STATE FAIR
CHIEF, EXPOSITION AND STATE FAIR POLICE
The California Exposition and State Fair proposes to change the title of Safety and Security Manager, California Exposition and State Fair to Chief, Exposition and State Fair Police and to revise the specification to more clearly define the Peace Officer status.
- C. PENSION PROGRAM MANAGER SERIES
STAFF SERVICES MANAGER SERIES
The State Teachers Retirement System requests the establishment of the new class series of pension Program Manager and reallocation of current incumbents from the Staff Services Manager series to the new class series and adoption of 12-month probationary periods.
- D. ADMINISTRATOR, BENEFIT PROGRAMS
The Department of Personnel Administration requests the establishment of a new class of Administrator, Benefit Programs and adoption of a 12-month probationary period.
- E. HAZARDOUS SUBSTANCES ENGINEER SERIES
The Department of Toxic Substances Control proposes revisions to the series specification for the class of Hazardous Substances Engineer to add an alternate range criteria for non-registered engineers and update the language.
- F. SHEETFED OFFSET PRESS OPERATOR
WEBFED OFFSET PRESS OPERATOR
DIGITAL PRINT OPERATOR
GRAPHIC DESIGNER
DIGITAL COMPOSITION SPECIALIST
SPECIALITY PRESS OPERATOR
COMPOSING TECHNICIAN I
COMPOSING TECHNICIAN II
COMPOSITOR (VIDEO DISPLAY TERMINAL OPERATOR)
The Department of Personnel Administration requests the establishment of five new class series specifications: Sheetfed Offset Press Operator, Webfed Offset Press

Operator, Digital Print Operator, Graphic Designer, and Digital Composition Specialist; movement of incumbents into new classes; revision of alternate range criteria 312; and abolishment of four classes: Specialty Press Operator, Composing Technician I and II, and Compositor (Video Display Terminal Operator).

16. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

The staff has approved the following action:

- A. WORKERS COMPENSATION INSURANCE SUPERVISOR/MANAGER, STATE COMPENSATION INSURANCE FUND SERIES
The State Compensation Insurance Fund proposes to revise the minimum qualifications and update the language in the Workers Compensation Insurance Supervisor/Manager, State Compensation Insurance Fund Series specification.

ACTION: Noted

17. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. CEA POSITION ACTIONS CURRENTLY UNDER CONSIDERATION

- (1) DEPUTY DIRECTOR, ADMINISTRATION
The Department of Child Support Services proposes to allocate the above position to the CEA category. The Department indicates that this position will report to the Director/Chief Deputy Director and will advise and assist them in the formulation, implementation and evaluation of departmental programs, policies and procedures and provide overall direction to the division.
- (2) CHIEF DEPUTY DIRECTOR
The California Conservation Corps proposes to allocate the above position to the CEA category. The Department indicates that this position will report to the Director and will have overall responsibility for the daily operations of the Department in accomplishing its mission to provide meaningful work and educational opportunities to assist youth in becoming more employable, while protecting and enhancing California's natural resources.
- (3) ASSISTANT PROGRAM BUDGET MANAGER

The Department of Finance proposes to allocate the above position to the CEA category. The Department indicates that this position will report to the Program Budget Manager and will have responsibility for managing and directing several major segments of the Education Unit within the Department of Finance.

(4) LEGISLATIVE DIRECTOR

The California Environmental Protection Agency proposes to allocate the above position to the CEA category. The Department indicates that this position will report to the Deputy Secretary for External Affairs and will advise and assist the Governor's Office and Secretary in actions concerning legislation affecting the Cal/EPA and the Boards, Departments, and Office within Cal/EPA.

(5) PROJECT DIRECTOR, CALIFORNIA VETERANS HOMES

The Department of Veterans Affairs proposes to allocate the above position to the CEA category. The Department indicates that this position will report to the Secretary and will plan new homes and oversee the construction and the activation of each site.

(6) OMBUDSPERSON

The Department of the Youth Authority proposes to allocate the above position to the CEA category. The Department indicates that this position will report to the Director and will provide management advice and consultation to the Director on sensitive issues involving institution staff, representatives of special interest groups, wards and their families, legislative groups, and community based groups.

(7) DIRECTOR, CDE PRESS

The Department of Education proposes to allocate the above position to the CEA category. The Department indicates that this position will report to the State Superintendent of Public Instruction and will have full managerial responsibility for the CDE Press, a technologically complex, full-service publishing and creative services organization.

(8) CHIEF, HOSPITAL SECURITY

The Department of Mental Health proposes to allocate the above position to the CEA category. The Department indicates that this position will report to the Deputy Director, Long Term Care Services and will be responsible for providing expert evaluation and consultation services on all aspects of State hospital security.

B. CEA POSITION ACTIONS APPROVED BY DPA AND APPROVED OR
DENIED BY SPB MANAGEMENT

(1) PROJECT DIRECTOR, CALIFORNIA CHILD SUPPORT
AUTOMATED SYSTEMS

The Franchise Tax Board's proposal to allocate the above position to the CEA category has been approved.

(2) COMMUNITY FACILITIES DIRECTOR

The Department of Developmental Services proposal to allocate the above position to the CEA category has been approved for 24 months.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. ANDY G. INGERSOLL, CASE NO. 98-3517. Appeal from denial of reasonable accommodation, discrimination based on disability, and constructive medical suspension. Department of Transportation. (Oral argument held November 2, 1999.)

ACTION: On January 19, 2000, adopted Board decision dismissing appeal from denial of reasonable accommodation as untimely, but found a constructive medical suspension and disability discrimination, and awarded back pay, benefits and compensatory damages.*

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

2. DUANE WILES, CASE NO. 98-4304. Appeal from dismissal. Department of Transportation. (Oral argument held November 2, 1999.)

ACTION: On January 19, 2000, adopted Board decision modifying dismissal to 30-calendar day's suspension.

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

3. CHARLES YOUNGLOVE, CASE NO. 97-3901. Appeal from demotion. Department of Insurance. (Oral argument held December 7, 1999.)

NO ACTION

4. TERESA DESIDERIO, CASE NO. 99-2020. Appeal from discrimination. Department of Corrections. (Oral argument held December 7, 1999.)

NO ACTION

*Adopted as Precedential Decision #00-01. [NOTE: Precedential Decisions of the State Personnel Board are published and available by subscription from Continuing Education of the Bar (CEB) in Berkeley. To subscribe, call CEB, toll free, at (800) 924-3924.]

5. MICHAEL SANCHEZ, CASE NO. 99-1194. Appeal from non-punitive termination. Department of Corrections. (Oral argument held December 7, 1999.)

ACTION: On January 19, 2000, adopted Board decision revoking non-punitive termination and awarded back pay and benefits.*
VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

6. JURELENE SCRUGGS, CASE NO. 99-0591. Appeal from 30 days suspension. California State University, Fresno. (Oral argument held December 7, 1999.)

ACTION: On January 19, 2000, adopted Board decision sustaining 30 days suspension.
VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.

7. SAMUEL ROY, CASE NO. 99-1196. Appeal from non-punitive termination. Department of Mental Health. (Oral argument held December 7, 1999.)

ACTION: On January 19, 2000, adopted Board decision revoking non-punitive termination and awarded back pay and benefits.

*Adopted as Precedential Decision #00-02. [NOTE: Precedential Decisions of the State Personnel Board are published and available by subscription from Continuing Education of the Bar (CEB) in Berkeley. To subscribe, call CEB, toll free, at (800) 924-3924.]

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional forty-five days, the Board hereby publishes its substantial reasons for the need for the forty-five day extension for some of the cases now pending before it for decision.

An additional forty-five days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than 6 months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on January 19, 2000.

WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Bos, Alvarado, Carpenter, Elkins, Harrigan - Aye.